

was amended herein to correct matters of a grammatical and typographical nature. No new matter was presented and such amendments are deemed unobjectionable. Entry thereof is respectfully requested. It is also respectfully requested that the Examiner reconsider the present application and claims as currently pending in view of the following remarks.

In item 1 of page 2 of the Office Action, the Examiner objected to the use of the word "net" on pages 16, 23 and 24 of the specification. It is, however, unclear which specific incidence of the word "net" the Examiner is referring to. For example, the Examiner objects to one usage of the word "net" on page 23, and then indicates that another occurrence of the word "net" on the same page was appropriate without specifically indicating which usage was being objected to. The Examiner's objection is further confusing in that the word "net" does not appear anywhere on page 23 of Applicants' substitute specification filed October 19, 2001.

As indicated in Applicants' previous amendment filed October 19, 2001, the term "net" is a term of art in the wheel covering industry that denotes a locational relationship of one part to another. For example, a peripheral flange of an overlay can be net located against a flange lip of a wheel rim flange. In this case, under all possible tolerance stackup conditions of each of the overlay and wheel, the peripheral flange will always be located against the flange lip such that no gap is present therebetween. In other words, a surface that is net, or net located, or located net, to another surface means that there is no gap or tolerance remaining therebetween under any possible within-tolerance condition. All occurrences of the word "net" appearing in Applicants' substitute specification filed October 19, 2001 were reviewed and deemed

appropriate. Accordingly, reconsideration and withdrawal of the Examiner's objection are respectfully requested.

In items 2 and 3 on page 2 of the Office Action, the Examiner rejected Claims 1, 10, 11, 15 and 25 under 35 U.S.C. §102(b) as being anticipated by Todd, U.S. Patent 5,143,426. The undersigned attorney respectfully traverses the Examiner's rejection of independent Claims 1 and 15 and dependent Claims 10, 11, and 25 in view of the following argument.

In items 2 and 4 of the Office Action, the Examiner rejected Claims 1, 4, 5, 8, 10, 11, 15, 18, 19, 22, 24, and 25 under 35 U.S.C. §102(e) as being anticipated by Eikhoff, U.S. Patent 5,829,843. The undersigned attorney also respectfully traverses the Examiner's rejection of independent Claims 1 and 15 and dependent Claims 4-5, 8, 10-11, 18-19, 22 and 24-25 in view of the following argument.

In items 2 and 5 of the Office Action, the Examiner rejected Claims 1, 10, 11, 15, 24, and 25 under 35 U.S.C. §102(b) as being anticipated by Buerger, U.S. Patent 5,031,965. Again, the undersigned attorney also respectfully traverses the Examiner's rejection of independent Claims 1 and 15 and dependent Claims 10-11 and 24-25 in view of the argument that follows.

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. §102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals of the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485

(Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. §102, the Court stated:

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.”

Applicants’ amended independent Claim 1 requires:

“A wheel and overlay assembly, comprising:  
a wheel having an outboard surface thereon, said wheel further having a disk portion and a rim portion circumscribing said disk portion, said rim portion having a rim flange circumscribing said rim portion, said rim flange terminating in a flange lip defining a radially outermost edge thereon; and  
an overlay having an outboard surface thereon, said overlay being attached to said outboard surface of said wheel, said overlay further having a web portion, and a peripheral flange circumscribing said web portion and terminating in a peripheral lip, **said peripheral lip having a radially outermost edge aligned within a predetermined margin of said radially outermost edge of said flange lip of said wheel such that said peripheral lip of said overlay cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel;**  
whereby said overlay gives a visible impression that said outboard surface of said overlay is actually said outboard surface of said wheel and not a separately attached component of said wheel and overlay assembly.”

Applicants’ amended independent Claim 15 requires:

“A wheel and overlay assembly, comprising:  
a wheel having an outboard surface thereon, said wheel further having a disk portion and a rim portion circumscribing said disk portion, said rim portion having a rim flange circumscribing said rim portion, said rim flange terminating in a flange lip defining a radially outermost edge thereon, said radially outermost edge defining an outer diameter, said flange lip having an outboard surface portion; and  
an overlay having an outboard surface thereon, said overlay being attached to said outboard surface of said wheel, said overlay further having a web portion and a peripheral flange circumscribing said web portion and terminating in a peripheral lip, **said peripheral lip having an inboard surface portion located net against said outboard surface portion of said flange lip, said peripheral lip having a**

**radially outermost edge defining a diameter, said diameter of said overlay being within a predetermined margin less than said outer diameter of said wheel such that said peripheral lip of said overlay cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel;**

whereby said overlay gives a visible impression that said outboard surface of said overlay is actually said outboard surface of said wheel and not a separately attached component of said wheel and overlay assembly.”

Todd, Eikhoff and Buerger fail to disclose an overlay element with a “peripheral lip having a radially outermost edge aligned within a predetermined margin of said radially outermost edge of said flange lip of said wheel such that said peripheral lip of said overlay cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel” as required in Applicants’ independent Claim 1. The previously cited *Lindemann* reference provides that “Anticipation requires... disclosure of each and every element of the claimed invention, **arranged as in the claim.**” None of the references relied on by the Examiner disclose an overlay element arranged as in Applicants’ Claim 1 that specifically describes alignment of the overlay within a predetermined margin of the wheel to insure the overlay cannot extend beyond the edge of the wheel regardless of tolerance variations.

Additionally, Todd, Eikhoff and Buerger fail to disclose an overlay element wherein the “diameter of said overlay being within a predetermined margin less than said outer diameter of said wheel such that said peripheral lip of said overlay cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel” as required in Applicants’ independent Claim 15. The Examiner’s 35

U.S.C. §102 rejections appear to rely exclusively on Figures allegedly portraying an overlay extending to the outermost radial edge of the rim. Assuming arguendo that this interpretation is correct, the references still fail to disclose Applicants' overlay element as claimed in Claim 15. The Todd reference discloses at column 3, lines 35-36 "...the peripheral edge 34 of the fascia 26 extends to the edge of the wheel." This disclosure implicitly allow<sup>s</sup> for the wheel cover to extend beyond the outermost edge of the wheel due to tolerance variations, and therefore is clearly distinguishable from Applicants' disclosure providing an overlay element having a diameter within a predetermined margin less than the diameter of the wheel to ensure the overlay can never extend radially beyond the edge of the wheel, regardless of tolerance variations.

Therefore, in applying the test for anticipation as set forth in *Lindemann*, neither Todd, Eikhoff or Buerger anticipate either independent Claim 1 or 15. Accordingly, withdrawal of the rejection of independent Claims 1 and 15, as well as dependent Claims 4, 5, 8, 10-11, 18-19, 22 and 24-25 which are but delineations of the invention set forth in the independent claims from which they depend, under 35 U.S.C. §102 is respectfully requested.

In items 6 and 7 on pages 3 and 4 of the Office Action, the Examiner rejected independent Claims 2, 3, 8-9, 16-17, and 22-23 under 35 U.S.C. §103(a) as being obvious over the teachings of Todd. Additionally, in items 6 and 8 on pages 3 and 4 of the Office Action, the Examiner rejected Claims 2-3, 6, 8-10, 13, 16-17, 20, 23, and 27 under 35 U.S.C. §103(a) as being obvious over the teachings of Eikhoff. Applicants' attorney respectfully traverses each of the 35 U.S.C. §103 rejections for the reason that Applicants' invention is not an obvious improvement over the prior art.

With respect to the rejections under 35 U.S.C. §103, it is noted in MPEP Section 706 that the standard of patentability to be followed in the examination of a patent application is that which was enunciated by the Supreme Court in *Graham v. John Deere*, 148 USPQ 459 (1966), where the Court stated:

“Under Section 103, the scope and the content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved.”

Accordingly, to establish a prima facie case of obviousness, the Patent Office must: (1) set forth the differences in the claim over the applied references; (2) set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter; and (3) explain why the proposed modifications would be obvious. To satisfy step (3) above, the Patent Office must identify where the prior art provides a motivating suggestion, inference or implication to make the modifications proposed in step (2) above. *In re Jones*, 21 USPQ2d 1941 (Fed. Cir. 1992). Prior to discussing the unobviousness of the present invention over the prior art, the teachings of the prior art references and the differences, novelty, and unobviousness of the present invention over the prior art references will be set forth. From the following prior art teachings, it is clear that there are no suggestions, inferences, or implications whatsoever to obviate Applicants' invention.

Todd, U.S. Patent 5,143,426, is directed to the problem of reduction of vehicle weight by the use of a process of attachment of a plastic overlay coating to a polystyrene base that has been molded to the desired configuration of the component.

To overcome this problem Todd teaches an "in situ" molding process to make a wheel and overlay assembly having a polystyrene base that is molded into the general configuration of the wheel against the metal rim. Applied to the molded base by a low pressure injection molding process is a thermoplastic fascia that is allowed to flow around the base to form a mechanical lock, eliminating the need for adhesives. To secure the fascia to the underlying polystyrene base or wheel in the case of the vehicle wheel, the thermoplastic material flows around the edges of the vent openings engaging the underlying wheel rim to secure the overlay to the rim. The thermoplastic fascia 26 is molded over the foam core 24 such that a mechanical lock is formed, thereby eliminating the need for adhesives.

The fascia 26 and base 24 are molded such that openings 28 corresponding to the vent openings 20 of the rim 12 and bores 30 corresponding to the bolt holes 16 are formed to provide the required access. The mechanical lock of the fascia 26 around the base 24 and to the rim 12 is formed through the vent openings 20 by molding the thermoplastic around the edges of the openings 20. A flanged lip 32 is formed to secure the fascia 26 to the steel wheel. For added securement, the lip 32 may also be formed around the bolt holes 16. As a result of this mechanical attachment, no adhesive is required. In a preferred embodiment, the peripheral edge 34 of the fascia 26 extends to the edge of the wheel. This same securement principal can be used in other components which have spaced openings such as dashboards or instrument panels. In components which do not include openings, the fascia material may be extended completely around the base material 24 to completely enclose the material.

Beyond this incidental suggestion, Todd is absolutely silent with respect to the relationship of the overlay coating with respect to the axial or radial edge of the wheel. When viewed in terms of the general teachings of the several embodiments of Todd, Todd is completely contrary to the structure of the Applicants' preferred embodiment and the features associated therewith because Todd teaches as well as suggests that "the fascia material may be extended completely around the base material 24 to completely enclose the material." Column 3, lines 39-41.

Clearly, the incidental reference with respect to the preferred embodiment of Figures 1 and 2 fails to recognize the problem Applicant has recognized with respect to the relationship between the peripheral outermost edge of the overlay with respect to the outer edge of the wheel. Accordingly, the structural elements taught by Todd to the preferred embodiment of Figures 1 and 2 where the fascia appears to extend to the axial edge of the wheel but beyond the radial edge of the wheel cannot possibly apply to the alternate embodiment of Figures 4a and 4b where the radial edge of the fascia appears to be in line with the radial edge of the wheel as the part is illustrated in the mold. In fact, they appear to be completely contrary to the disclosure of Figures 1 and 2 since none of the advantageous features recited by Todd with respect to his preferred embodiment relate in anyway whatsoever to the incidental disclosure of the alternate embodiment of Figures 4a and 4b.

Eikhoff, U.S. Patent 5,829,423, is directed to the problems associated with prior art wheel cover retention systems using an expanding adhesive material where the adhesive material is insufficient to retain the wheel cover on the wheel.



To solve this problem, Eikhoff teaches a wheel cover retention system wherein the outboard tire bead seat retaining flange of the associated wheel includes a unique machined lock construction for securing a wheel to the cover. The outboard tire bead set retaining flange includes an outer surface having a circumferential radially inwardly facing groove portion therein. The wheel cover includes an outer annular lip, that includes a locking shoulder 64 to extend into the locking catch 62 of the locking arrangement 60. An extended flange portion 54 extends over the top of the rim flange to encase the rim flange and lies within a rim relief area 66 along the tire side of the rim flange.

Applicants' invention is directed to the lack of a cost effective method of achieving an individual aesthetic appearance of a clad vehicle wheel without wrapping the edge of the cladding or cover around the flange lip of the rim flange of the wheel.

To overcome the problems associated with prior art wheel and cover assemblies, Applicants teach a device wherein the overlay is brought radially outward to ensure the entire outboard face of the wheel is covered, including the flange lip of the rim flange without the costly technique of wrapping the overlay around the flange lip of the rim flange at an economical cost without jeopardizing the structural integrity of the wheel assembly.

The overlay as taught by Applicants' invention is permanently secured to a wheel such that under max/min tolerance conditions the overlay is brought radially outward to cover the entire outboard face of the wheel, including the flange lip of the rim flange of the wheel, without extending radially beyond the outer diameter of the wheel. The present invention includes a wheel having an outboard surface defined by a disk, and a rim circumscribed about the disk. The

rim's radial outer periphery (or the disk's outer periphery in the case of a full face wheel) is defined by a rim flange having a flange lip as the axially outermost edge. The overlay has an outboard surface with a web portion, and an integral peripheral flange or rim flange portion circumscribed about the web portion. Further, the peripheral flange or rim flange portion of the overlay also terminates in a flange lip as the radially outermost edge. The peripheral flange portion of the overlay has an inboard surface that is near to the axially outermost edge or flange lip of the rim flange of the wheel, while the radially outermost edge or flange lip of the peripheral flange portion of the overlay is circumferentially aligned within a predetermined tolerance variation of the radially outer periphery of the rim flange of the wheel, such that the peripheral flange portion of the overlay covers the flange lip of the rim flange of the wheel without wrapping over the edge of the wheel or going beyond the peripheral outermost edge of the wheel. This relationship gives a visible impression to the observer of the vehicle or wheel alone that the entire outboard surface of the overlay is actually the entire outboard surface of the wheel. This impression is accomplished without wrapping the overlay's peripheral flange portion around the flange lip of the rim flange, as with some previous prior art. This technique also results in giving an impression to the observer that the wheel is larger than what it should be due to the added thickness of the metal wrapped around the rim flange.

The differences between Applicants' invention and the prior art references cited by the Examiner are quite clear. In the Eikhoff reference, the teachings of the preferred embodiment are completely contrary to the Applicants' teachings of not permitting the overlay to wrap around the flange lip of the rim flange.

*Not  
Cited*

Moreover, Todd's disclosure is unclear as to the relationship of the fascia overlap condition with the underlying wheel's structural features. Frankly, there is no disclosure whatsoever in the Todd publication when considering how the adhesive interrelates with the overlay and wheel surface or how the structure of the outer edge of the overlay relates to the edge of the wheel. Also, since Todd teaches that the curled boundary of the fascia 32 helps to secure the overlay to the wheel at the windows and bolt holes it completely fails to suggest, other than an incidental comment, how the outer edges of the overlay and wheel cooperate to provide the impression that the overlay is the wheel. Further, Todd clearly teaches that no adhesive is needed.

Thus, Todd's incidental suggestion that the peripheral edge 34 of the fascia extends to the edge of the wheel raises more questions than it answers, and thus cannot form the basis of a rejection against Applicants' claims which, according to the requirements of 35 U.S.C. §112, define clear structural differences of an overlay having a claimed relationship at its outer boundaries with the wheel's outer edge and wherein the overlay is adhesively directly attached to the outer surface of the wheel.

The Examiner alleges that the tolerances and margins between the lip of the overlay and the flange lip taught by Applicants are obvious design expedients that combine with either Todd or Eikhoff to obviate Applicants' structural claimed relationship. It is, however, respectfully suggested that one skilled in the art would have no basis for combining the teachings of Todd or Eikhoff in the manner suggested by the Examiner since neither of these references recognizes the problems solved by Applicants' invention. Specifically, neither Todd or Eikhoff

recognize the problems associated with a wheel assembly having a wheel cover radially extending beyond the edge of the rim. As neither reference even recognized such problems, there can be no motivation or suggestion to include a predetermined margin as a solution thereto. Absent recognition of the problem faced by the Applicant, the prior art cannot possibly suggest, singularly or in combination, a solution as novel as Applicants' invention. Furthermore, as none of the Examiner's references recognize the problems associated with a wheel cover radially extending beyond the rim, the Patent Office cannot possibly identify where the prior art provides a motivating suggestion, as required in element 3 of the *In re Jones* analysis cited hereinabove, to make the modifications suggested by the Examiner.

Assuming arguendo that Todd and Eikhoff teach a wheel cover extending to the radial edge of the rim as suggested by the Examiner, such disclosure still fails to obviate Applicants' invention. Disclosure teaching a wheel cover designed to extend to the radial edge of the rim implicitly allows for the wheel cover to extend radially beyond the rim due to tolerance variations (i.e. when there is a maximum material condition for the cover and a minimum material condition for the rim). Therefore, any reference teaching a wheel cover extending radially to or beyond the edge of the rim, and that does not make allowances for variation to specifically insure that the cover cannot extend beyond the edge of the rim, is contrary to Applicants' teachings for the reasons set forth in the specification. Thus, it is only through Applicants' teachings and disclosure that one of ordinary skill in the art would appreciate the need for such claimed structural arrangement between the associated edges of the overlay and wheel to provide unique aesthetic configurations to a vehicle wheel. In view of this,

a person of ordinary skill in the art would not seek to use the teachings of the references cited by the Examiner to produce the result that Applicants' invention as claimed teaches.

Even if, as the Examiner suggests, the teachings of Todd or Eikhoff singularly or in combination were used in an attempt to obviate Applicants' invention, it is clear from these teachings that the suggested combination could not result in Applicants' invention and would in fact require extensive additional disclosure as well as structure in an attempt to acquire similar results. Specifically, neither reference teaches or suggests alignment of a wheel cover relative to a rim so that the cover cannot extend beyond the rim. Additionally, neither reference teaches structure including a wheel cover having a diameter substantially equal to but not greater than the outer diameter of the wheel, such that manufacturing and assembly variation can never result in a wheel cover assembly in which the cover extends radially beyond the rim.

The undersigned attorney respectfully submits that independent Claims 1 and 15 are clearly allowable over the disclosure and any teachings of Todd and Eikhoff taken by themselves or in combination. Further, under principles of claim dependency, Todd and Eikhoff do not anticipate Applicants' dependent Claims 2-3, 6, 8-10, 13, 16-17, 20, 22-23 and 27 either. Accordingly, Applicants' invention is an unobvious improvement over the prior art and not an obvious modification of any of the references cited by the Examiner. Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103(a) are, therefore, respectfully requested.

The Examiner's Response to Arguments in item 10 on page 5 of the Office Action has been fully considered, and Applicants' attorney respectfully disagrees based on the

arguments and controlling authority cited on page 22, line 14 through page 24, line 7 of the amendment filed October 19, 2001 and incorporated by reference herein, as well as the following remarks.

In response to the Examiner's contention that the diameters of the overlays disclosed by Todd, Eikhoff and Buerger are substantially the same, but not greater than the diameters of the rim flanges, it is respectfully suggested that the disclosure referred to is not enabling and therefore does not anticipate Applicants' invention, *Seymour v. Osborne*, 78 U.S. 516 (1870), and *University of California v. Eli Lilly and Co.*, 39 USPQ2d 1225, 1242 (S.D. Ind. 1995), *aff'd*, 43 USPQ2d 1398 (Fed. Cir. 1997). Disclosure of a wheel cover designed to extend to the radial edge of the rim implicitly allows for the wheel cover to extend radially beyond the rim due to tolerance variations. Therefore, any reference teaching a wheel cover extending radially to or beyond the edge of the rim, and that does not make allowances for tolerance variations to specifically insure that the cover cannot extend beyond the edge of the rim, cannot enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In other words, one skilled in the art that makes and/or uses a wheel assembly based on disclosure providing a wheel cover designed to extend to the radial edge of the rim will produce wheel covers that, due to tolerance variations, extend beyond the edge of the rim and therefore do not anticipate Applicant's invention.

In response to the Examiner's contention that the summation of the teachings of the patent to Todd as an incidental suggestion is offensive to the patent system, and that Todd is not silent on the positioning of the overlay on the wheel as the drawings clearly show the overlay

extending to the edge of the rim, it is respectfully suggested that the Examiner has misinterpreted the controlling authority in *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, 261 U.S. 45 (1923); *Gray Telephone Pay Station Co. v. Baird Mfg. Co.*, 174 F. 417 (7th Cir. 1909); *A.R. Mosler & Co. v. Lurie*, 209 F. 364 (2nd Cir. 1913); and *United States Metallic Packing Co. v. Hewitt Co.*, 236 F. 739 (7th Cir. 1916). Applicants' representative did not suggest that the disclosure in Todd is incidental because it is not clearly shown, rather it was indicated that the disclosure is incidental because Todd does not provide any explanation as to the significance of the relationship between the outer radial edge of the overlay and the outer radial edge of the rim. In fact, Todd is completely silent regarding advantages and/or disadvantages of the aforementioned relationship, and does not make clear that the relationship is essential to the invention. As Todd does not recognize any of the advantages and/or disadvantages attributable to the relationship between the outer radial edge of the overlay and the outer radial edge of the rim, any results therefrom are unintended and unappreciated, and do not constitute anticipation. *Eibel Process Co. v. Minnesota & Ontario Paper Co.*, supra. Additionally, Todd's arrangement of the outer radial edge of the overlay relative to the outer radial edge of the rim is incidentally shown, is not essential to the invention, and therefore does not constitute anticipation. *Gray Telephone Pay Station Co. v. Baird Mfg. Co.*, supra; *Mosler & Co. v. Lurie*, supra; and *United States Metallic Packing Co. v. Hewitt Co.*, supra.

The undersigned wishes to express his appreciation to the Examiner for the indication that the objections to the term "net" have been overcome by Applicants' description of the term. It is, however, unclear exactly how the Examiner's statement on page 6, lines 9-11

providing: "...it would have been common practice in the art to consider all tolerances between the wheel and the wheel cover when locating the cover against the wheel." pertains to Applicants' definition of the term "net" such that no weight is given thereto. The following excerpts from Applicants' response in the amendment filed October 19, 2001 provide a clear and unambiguous definition of the term "net":

"Applicants' attorney respectively submits that the term "net" is a term of art in the wheel covering industry to denote a locational relationship of one part to another."

"In other words, a surface that is net, or net located, or located net, to another surface means that there is no gap remaining therebetween under any possible within-tolerance condition."

It is respectfully requested that the Examiner interpret the term "net" appearing in Applicants' claims in a manner consistent with the above definition reproduced from the amendment filed October 19, 2001, and accordingly give appropriate weight thereto.

The undersigned additionally wishes to express his appreciation to the Examiner for the indication that Claims 14 and 28 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. It is, however, respectfully asserted that for the reasons set forth above, Claims 14 and 28 are allowable in their present form since they depend from what has been shown to be an allowable claim. Formal allowance thereof is, therefore, respectfully requested.

In accordance with the provisions of 37 CFR §1.121, a marked up version of the revised claims to show all the changes is included herewith as Exhibit A. Similarly, as indicated above, a marked up version of the amended specification paragraphs is attached as Exhibit B.



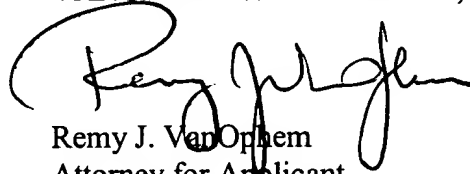
Serial No. 09/775,425  
Reply to Office Action and Amendment  
August 2, 2002

Page 22

The Commissioner is hereby authorized to charge any deficiency in fee associated with this amendment to the undersigned's Deposit Account No. 22-0212. If the Examiner has any questions with respect to any matter now of record, Applicants' attorney may be reached at (248) 362-1210.

Respectfully submitted,

VANOPHEM & VANOPHEM, P.C.



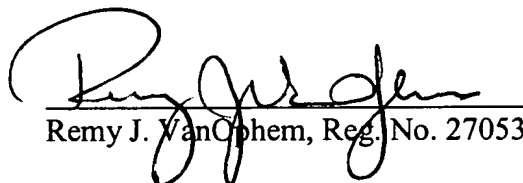
Remy J. VanOphem  
Attorney for Applicant  
Registration No. 27053

755 W. Big Beaver Rd.  
Suite 1313  
Troy, MI 48084  
(248) 362-1210  
Docket No. LII153B US

Certificate under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on August 2, 2002.

Date: August 2, 2002

  
Remy J. VanOphem, Reg. No. 27053

**Exhibit A**  
**Version of Proposed Claim Amendments With Markings to**  
**Show Changes Made**

1. (Twice Amended) A wheel and overlay assembly, comprising:

a wheel having an outboard surface thereon, said wheel further having a disk portion and a rim portion circumscribing said disk portion, said rim portion having a rim flange circumscribing said rim portion, said rim flange terminating in a flange lip defining a radially outermost edge thereon; and

an overlay having an outboard surface thereon, said overlay being attached to said outboard surface of said wheel, said overlay further having a web portion, and a peripheral flange circumscribing said web portion and terminating in a peripheral lip, said peripheral lip having a radially outermost edge aligned within a predetermined margin [with respect to] of said radially outermost edge of said flange lip of said wheel [so] such that said peripheral lip of said overlay [substantially covers said flange lip of said wheel but does not] cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel;[,]

whereby said overlay gives [so as to give] a visible impression that said outboard surface of said overlay is actually said outboard surface of said wheel and not a separately attached component of said wheel and overlay assembly.

15. (Thrice Amended) A wheel and overlay assembly, comprising:

a wheel having an outboard surface thereon, said wheel further having a disk portion and a rim portion circumscribing said disk portion, said rim portion having a rim flange circumscribing said rim portion, said rim flange terminating in a

flange lip defining a radially outermost edge thereon, said radially outermost edge defining an outer diameter, said flange lip having an outboard surface portion; and

an overlay having an outboard surface thereon, said overlay being attached to said outboard surface of said wheel, said overlay further having a web portion and a peripheral flange circumscribing said web portion and terminating in a peripheral lip, said peripheral lip having an inboard surface portion located net against said outboard surface portion of said flange lip, said peripheral lip having a radially outermost edge defining a diameter, said diameter of said overlay being within a predetermined margin less [being substantially equal to but not greater] than said outer diameter of said wheel[, whereby said peripheral lip of said overlay substantially covers said flange lip of said wheel] such that said peripheral lip of said overlay cannot extend radially beyond said outermost edge of said flange lip of said wheel regardless of tolerance variations of said overlay and said wheel;

whereby said overlay gives [so as to give] a visible impression that said outboard surface of said overlay is actually said outboard surface of said wheel and not a separately attached component of said wheel and overlay assembly.

## EXHIBIT B

Kindly amend the paragraph beginning at line 13 of page 1 and ending at line 16 of page 1 as follows:

The present invention generally relates to vehicle wheels that are equipped with an attached chromium-plated wheel cover, cladding or overlay. The metal plated overlay's bond strength permits the overlay to be shaped and contoured on to the shape of the wheel, so as to [maximized] maximize aesthetic effects.

Kindly amend the subheading at line 17 of page 1 as follows:

### 2. Description of the [Prior] Related Art

Kindly amend the paragraph beginning at line 3 of page 7 and ending at line 2 of page 8 as follows:

An alternate approach to solving the problems of the first group of prior art involves not only extending the overlay beyond the radially outer periphery of the wheel, but actually wrapping the overlay around the flange lip of the rim flange. For example, Beith, U.S. Patent 3,726,566, teaches that the edge of the cover is formed to grip over and around the edge of the terminal flange of the wheel, to aid in fixing the wheel cover to the wheel. Heck et al., U.S. Patent 5,595,423, and Eikhoff, U.S. Patent 5,829,843, disclosed similar teachings. Heck et al. disclose the use of a stainless steel overlay that covers at least a portion of the outboard facing disk of the wheel and the entire portion of the outer peripheral flange lip of the outboard bead seat retaining flange or rim flange. The overlay is preferably formed from stainless steel, is [and] adhesively attached to the wheel, and has [with] an appropriate decorative surface on its [the] outboard side [of the overlay]. This adhesive is applied on the outboard face of the wheel

disk in a predetermined pattern, so that when the wheel cover is installed on the disk, a smearing of the adhesive occurs over substantially the entire outboard face of the disk. Since the adhesive covers substantially the entire interface between the wheel cover and the disk, it is effective to provide a seal and prevent water, mud, salt and other debris from entering between the wheel cover and the outboard surface of the wheel disk. At the outer peripheral edge of the rim flange facing the tire is a smooth, rounded outer peripheral end and a circumferential, radially outwardly facing groove. The peripheral end and the groove are both formed by machining operations to a predetermined specification. The groove is formed along the inboard side of the tire bead-seat retaining flange or rim flange. The outer peripheral end portion of the wheel cover is assembled to the smooth, rounded outer peripheral end of the wheel and terminates in the radially outwardly facing groove adjacent the rubber tire. However, this technology, like the prior art above, has several problems.

Kindly amend the paragraph beginning at line 7 of page 9 and ending at line 16 of page 9 as follows:

An additional problem with overlays which wrap around the rim flange is that the wheel and chrome plated overlay assembly appear to look larger relative to the width of the black rubber of a tire and therefore the overall aesthetics of the vehicle are affected. Wrapping the overlay around the rim flange of the wheel does indeed result in an overall diameter of the wheel assembly that [that] is larger than the outer diameter of the wheel only. The only way to solve this problem is to reduce the outer diameter of the

Serial No. 09/775,425  
Exhibit B  
August 2, 2002

Page 3

wheel before the overlay is attached to it so that when the overlay wraps around the rim flanges of a reduced diameter wheel the resulting assembly has the same diameter as the original design intent. Such solution is not tolerable since it affects the structural integrity of the wheel as well as significantly increases the costs of producing the wheel only.